IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 30TH OCTOBER 2006 / 8TH KARTHIKA 1928

Bail Appl..No. 6286 of 2006()

CRIME NO.291/2005 OF ALAKODE POLICE STATION
CMP.6776/2006 of J.M.F.C.,TALIPARAMBA

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PETITIONER/ACCUSED(UNDER CUSTODY)

SHIHABUDEEN, S/O.KAYAKKOOL MAMMU,
AGED 30 YEARS, KAYAKKOOL HOUSE,
ATHIRUKUNNU, THIMIRI AMSOM, KANNUR DIST.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: STATE

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1. STATE OF KERALA REP.BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER,
ALAKKODE POLICE STATION.

BY PUBLIC PROSECUTOR, SRI.C.K.SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6286 of 2006

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Dated this the 30th day of October, 2006

O R D E R

The petitioner surrendered before the Investigating Officer, who is investigating Crime No.291/2005 of Alakode Police Station, on 12/10/2006, as per the direction of this Court in B.A.No.5887/2006. The petitioner was, after interrogation, produced before the court below, which, after hearing both sides, remanded the petitioner, on that day itself. Hence, this application for bail.

2. The offence alleged against the petitioner are under Sections 452, 376 and 506(i) of the Indian Penal Code, as he committed rape on a woman, after forcibly taking her away from the kitchen of the house to the bedroom. Thus, she became pregnant.

3. The prosecution submits that the petitioner have been subjected to medical examination and the investigation is complete. The final report has already been filed. In the above

circumstances, the petitioner is no more required for the purpose of either the investigation or for the interrogation.

4. Considering the materials that are available before me, I grant bail to the petitioner and release him from jail, subject to the following conditions:-

i. The petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of the First Class, Taliparamba.

ii. The petitioner shall not threaten the victim, the witnesses, or cause any hindrance during the trial of the case before the court below.

iii. The petitioner shall not leave the State of Kerala, till the completion of trial and final disposal of the sessions case.

(J.M.JAMES)
Judge

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